

Appl. No. : 10/661,414
Filed : September 12, 2003

REMARKS

In the Office Action of June 7, 2004, the Examiner rejects claims 1, 3, 5, 6, and 8 as anticipated under 35 U.S.C. § 102(b) to U.S. Patent No. 6,436,771 to Jang, et al. ("Jang"), and rejects claims 2, 4, and 7 as obvious under 35 U.S.C. § 103(a) over Jang. Applicants respectfully traverse.

Jang is Not Prior Art

The Examiner rejects Claims 1-8 over Jang. Jang was filed on July 12, 2001. By contrast, the present application claims priority to a prior divisional application, which in turn claims priority to a prior parent application. See paragraph [0001].

If the application is a continuation or divisional of one or more earlier U.S. applications >or international applications< and if the requirements of 35 U.S.C. 120 >and 365(c), respectively,< have been satisfied, the effective filing date is the same as the earliest filing date in the line of continuation or divisional applications.

See M.P.E.P. §706.02.

Accordingly, the effective filing date of the present application is February 18, 1999, which is prior to Jang's filing date. Thus, Jang is not prior art to the present application, and Applicants request the Examiner to withdraw the rejections over Jang and to allow Claims 1-8.

Amendments to the Specification

Applicants have amended paragraph [0001] to include the Patent Number for a prior application, which has since issued. Applicants note that specific references to the earlier-filed applications were made in the originally-filed specification and were acknowledged on the Official Filing Receipt.

Applicants have amended the Title to read "Multiple Thickness Gate Dielectric Layers," to more clearly indicate the invention to which the claims are directed.

Conclusion

In view of the foregoing, Applicants respectfully request the Examiner to withdraw the rejections of the claims under 35 U.S.C. § 102(b) and 35 U.S.C. § 103(a). Applicants further request the Examiner to allow Claims 1-8 and to pass the present application to the issue process.

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Request for Telephone Interview

If there is any further impediment to the prompt allowance of the present application, Applicants respectfully request the Examiner to call the undersigned attorney of record at 310-407-3466 or at the telephone number listed below to resolve any such impediment.

Respectfully submitted,

KNOBBE, MARTENS, OLSON & BEAR, LLP

Dated:

June 22, 2004

By:

Michael S. Okamoto

Michael S. Okamoto
Registration No. 47,831
Attorney of Record
Customer No. 20,995
(310) 551-3450

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